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PATENT TRADEMARK OFFICE



PATENT

Attorney Docket No. 5725.0849

Application No. 09/809,007

Customer No. 22,852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jean-Marc ASCIONE et al.

Application No.: 09/809,007

Filed: March 16, 2001

For: STABILIZING COMPOSITIONS
COMPRISING AT LEAST TWO
ANIONIC ASSOCIATIVE
POLYMERS, THEIR USE FOR
STABILIZATION OF NON-SOLID
COMPOSITIONS, AND
COMPOSITIONS COMPRISING
AT LEAST ONE STABILIZING
COMPOSITION

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) Group Art Unit: 1713 ✓

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) Examiner: Harlan, Robert D.
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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated October 7, 2002,

Applicants respectfully request reconsideration of this application in view of the
following remarks.

I. Status of the Claims

Claims 1-76 are pending in this application.

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II. **Restriction Requirement**

In the Office Action, the Examiner required restriction under 35 U.S.C. § 121 between the following groups of claims:

- Group I** Claims 1-18 and 55-72, drawn to compositions, classified in class 526, subclass 317.1;
- Group II** Claims 19-54, drawn to a method for providing physical stability at least one non-solid composition, classified in class 525, class 50+; and
- Group III** Claims 73-76, drawn to a kit, classified in class 428, subclass 100+.

Applicants respectfully traverse the restriction requirement. However, to be fully responsive to the restriction requirement, Applicants elect, with traverse, the invention of Group I, i.e., claims 1-18 and 55-72.

Applicants respectfully refer the Examiner to M.P.E.P. § 803, which sets forth the criteria and guidelines for examiners to follow in making proper requirements for restriction. The M.P.E.P. instructs the Examiner as follows:

If the search and examination of an entire application can be made without **serious burden**, the Office **must** examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803 (emphasis added).

Here, Applicants respectfully submit that the Examiner has not demonstrated that examining Groups I - III together will constitute a serious burden, despite the assertion that they are "not disclosed as capable of use together and they have different modes of operation and different effects." See Office Action at ¶ 3.

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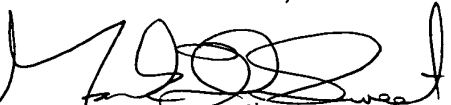
Applicants respectfully submit that a search of Groups I - III would not be burdensome, as all of the claims recite, *inter alia*, a composition comprising (i) at least one anionic associative polymer comprising at least one carboxylic acid group and at least one ester derived from a fatty alcohol and a carboxylic acid; and (ii) at least one additional anionic associative polymer comprising at least one carboxylic acid group and at least one ester derived from an alkoxyated fatty alcohol and a carboxylic acid, wherein the fatty chain of said alkoxyated fatty alcohol comprises more than 18 carbon atoms. Thus, the search and examination of Groups II and III would appear to encompass the search of the subject matter of Group I because all the claims recite a composition as described above.

In view of the foregoing remarks, Applicants respectfully submit that the restriction requirement is in error and request that it be withdrawn.

If there is any fee due in connection with the filing of this Response, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

By: 

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Dated: November 7, 2002

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